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INDIGENOUS ISSUES

Written statement submitted by the Union of Arab Jurists, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[18 February 1998]

Amendments to the draft declaration on the rights of indigenous peoples (II *)

Chapter II

Life, integrity and security

Article 9 (amended version of article 6, which it replaces)

Indigenous peoples have the collective right to live in freedom, peace and security as distinct peoples and to full guarantees against genocide or any other act of violence.

In accordance with international agreements, they **also** have the individual rights to life, physical and mental integrity, liberty and security of person.

States undertake to guarantee the physical and mental integrity of indigenous individuals and communities against any kind of genocide, including acts of aggression designed to separate indigenous children forcibly from their families with the deliberate intention of totally or partially destroying an historically constituted social or ethnic group.

Article 10 (amended version of article 7, which it replaces)

Indigenous peoples have the collective and individual right to **security and protection** against any **perpetration of genocide or cultural ethnocide, acts condemned** by international agreements as crimes against humanity. Such protection and prevention, and appropriate reparations for such crimes, shall apply to:

(a) any illegal act designed to deprive indigenous peoples of their own identity or encroach upon their physical and mental integrity, denying them their legitimate right to enjoy, develop and transmit their cultural values to future generations;

(b) any forced assimilation, alienation or integration into other cultures and lifestyles brought about by pressure, intimidation or the use of force to the detriment of indigenous cultures and philosophies;

(c) any violent dispossession of the land, territory or natural resources occupied and worked by indigenous peoples since time immemorial;

(d) any forced act of modern evangelism or penetration of foreign sects into aboriginal lands for the purpose of conversion to Christianity, imposing alien beliefs with implications incompatible with and injurious to the indigenous spiritual vision;

(e) any racist propaganda, incitement to violence, hatred or intolerance which strikes against the dignity and lives of indigenous peoples and nations.

Article 11 (amended version of article 11)

By virtue of the protocols additional to the Geneva Conventions, indigenous peoples have the right to **appropriate** protection and security in times of armed conflict.

States shall respect international standards, in particular the Fourth Geneva Convention of 1949, for the protection of civilian populations in circumstances of emergency and armed conflict, and, **pursuant to their obligations under international humanitarian law, agree**:

(a) not to recruit indigenous people against their will to serve in the armed forces **for the purpose of using them in armed conflict** against other indigenous peoples;

(b) **to prohibit the recruitment of indigenous children and teenagers under 18 in all circumstances**;

(c) not to force indigenous people to abandon their lands or territory, **nor to deprive them of their means of** subsistence, nor to resettle them in special **areas or** centres for military purposes;

(d) not to force indigenous people to work for military purposes **without their free consent or in discriminatory conditions or conditions damaging to their health**.

Note

* The beginning of this statement appears in document NGO/31; it continues in documents NGO/33 to 35.